

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CLAUDE GENE LEE, SR.,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 1:06-CV-874-MHT
)	
WESTPOINT HOME, INC.,)	
)	
Defendant.)	

EVIDENTIARY SUBMISSION

Defendant WestPoint Home, Inc. ("WPH") submits the following evidentiary materials in support of its Motion for Summary:

1. Declaration of Brendt Murphy and Exhibits 1-5 attached thereto.
2. Declaration of Frank Major, III and Exhibits 1-2 attached thereto.

Respectfully submitted this 7th day of June, 2007.

/s/Kelly F. Pate

One of the Attorneys for Defendant WestPoint
Home, Inc.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the AlaFile system which will send notification of such filing and/or that a copy of the foregoing has been served upon the following by placing a copy of same in the United States mail, properly addressed and postage prepaid, on this 7th day of June, 2007:

Jay E. Tidwell, Esq.
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Birmingham, AL 35205

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Dawson & Wallace, LLC
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Birmingham, AL 35203

Richard E. Crum, Esq.
M. Russ Goodman, Esq.
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206 North Lena Street
Dothan, AL 36303

/s/Kelly F. Pate
Of Counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

CLAUDE GENE LEE, SR.,

Plaintiff,

vs.

WESTPOINT HOME, INC.,

Defendant.

CASE NO. 1:06-CV-874-MHT

DECLARATION OF BRENDT MURPHY

Pursuant to 28 U.S.C. § 1746, I, Brendt Murphy, certify that the following declaration is based upon my personal knowledge.

1. I am the Human Resources Manager for the WestPoint Home, Inc. ("WestPoint") Abbeville Plant, at which Mr. Claude Gene Lee worked. Mr. Lee has been employed continuously since February 7, 1977 with WestPoint and his voluntary termination was effective April 15, 2006.¹ From 1974 through 2000 he held various hourly paid jobs. Beginning in March 2000, Mr. Lee served as Third Shift Supervisor of the Packaging Department.

2. On August 8, 2005, the assets of WestPoint Stevens, Inc., Mr. Lee's original employer, were sold pursuant to section 363 of the bankruptcy code to a new company, WestPoint Home, Inc. name changes on Company policies and other documents were ongoing at the relevant times of Mr. Lee's employment. References in company documents to WestPoint Stevens, Inc. should be taken to mean WestPoint, Home, Inc.

¹ Mr. Lee was previously employed with WestPoint from June 20, 1974 until July 10, 1974.

3. The Abbeville Plant receives finished sheeting fabric from other WestPoint plants and cuts and sews it into bed products such as flat sheets, fitted sheets, pillowcases, and other related items. The finished products are then sold throughout the home fashions industry.

4. Following the 2005 asset sale, WestPoint recognized that certain operational changes were necessary for the company to be successful and to become a stronger competitor in the industry. One of the changes, which directly affected the Abbeville Plant, was the transition of all fabrication and distribution functions to Abbeville. In addition, new work methods were introduced. Because of this change, all aspects of the Abbeville Plant operations came under close scrutiny. All manufacturing processes were reviewed, as were the supervisors and managers charged with implementing the changes. It was very important that WestPoint have supervisors and managers in place who were capable and committed to implementing and enforcing the changes necessary to move the company forward.

5. With these changes, including new work methods in the Packaging Department, and with all cutting, sewing, and distribution operations for sheeting starting to flow through the Abbeville Plant, it was critical that all shifts and departments operate effectively, incorporate the new methods, and that all supervisors and associates perform at their highest level.

6. On December 12, 2005, Mr. Lee's poor performance was first addressed when his supervisor and Department Manager, Bob Turner, gave Mr. Lee a personnel notice for his failure to perform key components of his job, such as enforcement of correct work procedures, failure to discipline associates for poor performance, a failure to communicate with other supervisors and his department manager on work-related matters and his overall demonstrated inability to effectively lead his associates and his shift. Attached as Exhibit 1 is a true and correct copy of the December 12, 2005 personnel notice.

7. On January 25, 2006, Mr. Lee's poor performance and failure to adequately manage his associates was again addressed by Frank Major, a black male who was Mr. Lee's supervisor at the time. Mr. Major completed and discussed with Mr. Lee his annual performance review for 2005. Mr. Major rated Mr. Lee as "fair" noting his poor performance in supervision/management skills, communication skills, and administration.

8. Despite these notices of poor performance, Mr. Lee failed to improve. On February 16, 2006, Mr. Lee received another personnel notice from Mr. Major due to poor job performance. Mr. Major noted Mr. Lee's continued failure to monitor associates, to enforce correct work procedures and to communicate with other shift supervisors concerning problems affecting the department.

9. Again, Mr. Lee failed to improve. On March 8, 2006, then-Department Manager Michael Alford gave Mr. Lee a Corrective-Action Report. Mr. Alford noted, among other things, Mr. Lee's failure to manage his associates. With this, Mr. Alford placed Mr. Lee on notice that immediate improvements were required or he could be removed from supervision. Mr. Lee's performance continued to decline, however, and his immediate removal became necessary. Attached as Exhibit 2 is a true and correct copy of the March 8, 2006 Corrective-Action Report for Mr. Lee.

10. On March 11, 2006, Mr. Alford realized that Mr. Lee was failing to make any effort to implement changes necessary to address the performance deficiencies for which Mr. Lee was on notice and he discussed this with me. Attached as Exhibit 3 is a true and correct copy of the March 11, 2006 Corrective-Action Report for Mr. Lee.

11. I consulted with Director of Human Resources Woodrow Sluss, and we determined, because of Mr. Lee's long employment history with WestPoint, the proper course of

action was to remove him from his supervisory role and to offer to him a non-supervisory position. Interim Plant Manager Glenn McCants approved our recommendation. We offered Mr. Lee the job of Set Order Puller, an hourly position, like others he had held with the company prior to becoming a supervisor. Attached as Exhibit 4 is a true and correct copy of the documentation of Mr. Lee's refusal of the Set Order Puller job.

12. On March 15, 2006, however, Mr. Lee decided that he was not interested in the Set Order Puller job. There were no other positions available to offer Mr. Lee at that time. Accordingly, Mr. Lee's decision to decline the Set Order Puller job was considered a voluntary termination. Mr. Lee was allowed to use his accrued vacation of four weeks after which time his termination became effective on April 15, 2006. Attached as Exhibit 5 is a true and correct copy Mr. Lee's separation notice.

13. During the time following the asset sale when the Abbeville Plant was under close scrutiny and changes were being implemented in the manufacturing processes utilized at the plant, senior management took a close look not only at the manufacturing processes, but also the management in place. No employee of the Abbeville Plant was immune or allowed to remain in his/her position if his/her performance was not acceptable. None of the decisions made were based on race or any factor other than performance. Many decisions regarding supervisors, managers, and other employees were made during this transition period. For example, Mary Bradley, who is black, was promoted to Department Supervisor on December 16, 2006. The Pillow Case Department Manager, who is white, was removed from that position on January 3, 2006, and replaced by William Feggins, a black male. In addition, the Abbeville Plant Manager, a white male, was removed from his position, despite his long employment history having been employed since January 1, 1976, and serving as Plant Manager since March 1, 1992. He was

removed because it was determined that he would not be able to implement the changes necessary to complete the transition plan.

14. Mr. Billy Wayne Bedsole, who was previously the second shift supervisor, was transferred to third shift supervisor in the Packaging Department subsequent to Mr. Lee's removal from that role. Mr. Bedsole had also been reviewed by Mr. Major in January 2006. He was reviewed as "Meets Requirements." Mr. Mike Ethridge who served as first shift supervisor in the Packaging Department, was moved to third shift supervisor. He, too, was reviewed by Mr. Major in January 2006 as "Meets Requirements." Between December 12, 2005 and March 11, 2006—during which Mr. Lee received five notices regarding his poor performance, including his termination notice and his performance review—Mr. Bedsole and Mr. Ethridge received only one personnel notice each, both of which were from Mr. Major.

15. On May 29, 2007 employees at the Abbeville Plant were given notice of the Plant's imminent closing. The Abbeville Plant will close entirely on August 31, 2007.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this ____7th__ day of June, 2007.



Brendt Murphy

EXHIBIT 1

ATT #1

PERSONNEL NOTICE

WESTPOINT STEVENS

INITIATED BY COMPANY ☐ AT REQUEST OF ASSOCIATE

ASSOCIATE <u>CLAUDE LEE</u>	ASSOCIATE NUMBER		TYPE OF NOTICE 1 - ASSOCIATE PROBLEM 2 - ASSOCIATE COMPLAINT 3 - NOTICE OF CHANGE 4 - REQUEST FOR CHANGE 5 - ASSOCIATE REQUEST 6 - COMMENDATION 7 - MISCELLANEOUS NOTICE
ACILITY <u>044</u>	DEPARTMENT <u>65</u>	SHIFT <u>3</u>	
SUPERVISOR <u>B. TURNER</u>	NOTICE DATE <u>12-12-05</u>		
EFFECTIVE DATE OF CHANGE			

SITUATION IN BRIEF

JOB PERFORMANCE

DETAILS

Bob: I talked to Claude about concerns for his ability to properly & efficiently lead and supervise packing on 3rd shift.

"Are you Able?" Claude says he has the ability & is the man to run 3rd shift, exceed standards, & look for improvements & ways to cut cost.

"Are you willing to accept responsibility & be held accountable to a expectations of 3rd shift as listed above." Yes Sir.

Could you run it without Michael's help - Yes Sir.

If Bob says you are the man for the job, you are not going to let the company down. No Sir.

ACTION TAKEN

Told Claude that his performance & inability to lead his people made him an inefficient supervisor. This area must improve. He is required to enforce incorrect work procedures, discipline situations & communicate with other supervisors & Dept Mgr. to solve all problems.

DISTRIBUTION

- ☐ COST DEPT.
☐ DEPT. FILES
☐ DIVISION HUMAN RESOURCES
☐ OFFICE MANAGER
☐ PAYROLL DEPT.
☐ HUMAN RESOURCES DEPT.

- ☐ VICE-PRESIDENT
☐ GENERAL MANAGER
☐ MANAGER
☐ ASST. MANAGER
☐ DEPT. MANAGER
☐ PRODUCTION DEPT.
☐ SUPPLY ROOM

RECOMMENDED BY

Claude Lee

DEPARTMENT MANAGER

B. Turner

ASSOCIATE (if necessary)

OTHER

12-16-05

12-12-05

(Attach additional sheets as necessary)

Lee/WPH-86004

EXHIBIT 2

ATT # 3

WESTPOINT HOME

CORRECTIVE-ACTION REPORT - SALARIED (EXEMPT AND NONEXEMPT) PERSONNEL

ASSOCIATE	Claude Lee	ASSOCIATE #		JOB TITLE	Supervisor	DATE	3-8-06
FACILITY	44	DEPARTMENT	Packaging	SHIFT	3 rd		

Performance/Conduct Description (Fully describe the unacceptable performance/conduct, including details concerning place, date, time, persons involved, outcome and relevant conditions or circumstances.)

Claude is not performing his duties as a supervisor. When working last Thursday (3-2-06) Claude was questioned about an employee not working. He answered he did not know why, and did not question the employee about it. We have discussed this on several occasions and in great detail.

Disciplinary Action Taken (including discharge): Claude is being issued a written corrective action for poor job performance.

Corrective-Action Plan: (Describe any special assistance, in the form of job change, training, counseling, extra supervision or other action required to prevent recurrence. Identify all individuals responsible for implementation and follow-up of action plan.)

Claude must immediately identify, address, correct and follow up on all issues relating to his responsibility as a supervisor within the packaging dept. If not fully in control of his position as a supervisor in the packaging department within 2 weeks including proper communications of progress with management Claude could be immediately removed from his current position as supervisor.

Comments: (Describe associate's attitude and/or reactions and any special circumstances or consideration concerning the unsatisfactory performance.)

Follow-up conference date: 2 weeks or less Comments (Describe status of action plan):

Claude Lee	DATE	Michael W. Ayad	DATE
ASSOCIATE'S SIGNATURE	3-8-06	IMMEDIATE SUPERVISOR	3-8-06
Bruce M. Hayes	DATE	FACILITY MANAGER/CORPORATE OR	DATE
HUMAN RESOURCES MANAGER		DIVISION DEPARTMENT MANAGER	
WITNESS	DATE		

CC-062503-CAR

EXHIBIT 3

ATT 4**WESTPOINT HOME****CORRECTIVE-ACTION REPORT - SALARIED (EXEMPT AND NONEXEMPT) PERSONNEL**

ASSOCIATE	Claude Lee	ASSOCIATE #		JOB TITLE	Supervisor	DATE	3-11-06
FACILITY	44	DEPARTMENT	Packing	SHIFT	3rd		

Performance/Conduct Description (Fully describe the unacceptable performance/conduct, including details concerning place, date, time, persons involved, outcome and relevant conditions or circumstances.)

Claude has failed to aggressively implement changes in production processes, associate training and monitoring, and communication. These deficiencies have resulted in poor job performance.

Disciplinary Action Taken (including discharge): Claude is immediately removed from his current position as a supervisor in the packaging dept.

Corrective-Action Plan: (Describe any special assistance, in the form of job change, training, counseling, extra supervision or other action required to prevent recurrence. Identify all individuals responsible for implementation and follow-up of action plan.)

N/A

Comments: (Describe associate's attitude and/or reactions and any special circumstances or consideration concerning the unsatisfactory performance.)

Follow-up conference date: N/A Comments (Describe status of action plan):

Claude Lee	DATE	Michael W. Agard	DATE
ASSOCIATE'S SIGNATURE	3-11-06	IMMEDIATE SUPERVISOR	3-11-06
Brenda S.	DATE	FACILITY MANAGER/CORPORATE OR	DATE
HUMAN RESOURCES MANAGER		DIVISION DEPARTMENT MANAGER	
WITNESS	DATE		

CC-062503-CAR

EXHIBIT 4

PERSONNEL NOTICE — JOB REFUSAL

ATT 6
WESTPOINT STEVENS☒ INITIATED BY COMPANY ☐ AT REQUEST OF ASSOCIATE

ASSOCIATE/APPLICANT <i>Claude Lee</i>		ASSOCIATE NUMBER <i>33519</i>	TYPE OF NOTICE 7 1 - ASSOCIATE PROBLEM 2 - ASSOCIATE COMPLAINT 3 - NOTICE OF CHANGE 4 - REQUEST FOR CHANGE 5 - ASSOCIATE REQUEST 6 - COMMENDATION 7 - MISCELLANEOUS NOTICE
FACILITY <i>044</i>	DEPARTMENT <i>65</i>	SHIFT <i>1</i>	
SUPERVISOR <i>M. Alford</i>		NOTICE DATE <i>3-15-06</i>	
EFFECTIVE DATE OF CHANGE			

SITUATION IN BRIEF

REFUSAL OF JOB OFFER, CHANGE OR PROMOTION

DETAILS

Associate/Applicant was offered on this date 3-11-06 the job indicated below but
date of offer
 declined to accept the job for the reason shown below.

JOB OFFERED: Set Order Puller SHIFT: 1stREASON FOR REFUSAL: I don't think I can do that job.REFUSAL MADE TO *Brandon H. Murg* TITLE: *E. R. Mgr.*
Name

ASSOCIATE'S/APPLICANT'S SIGNATURE _____

ACTION TAKEN

refused to sign

DISTRIBUTION

- ☐ COST DEPT.
☐ DEPT. FILES
☐ INDUSTRIAL RELATIONS
☐ OFFICE MANAGER
☐ PAYROLL DEPT.
☐ HUMAN RESOURCES DEPT.

- ☐ VICE PRESIDENT
☐ GENERAL MANAGER
☐ MANAGER
☐ ASST. MANAGER
☐ DEPT. MANAGER
☐ PRODUCTION DEPT.
☐ SUPPLY ROOM
☐ _____

RECOMMENDED BY

DEPARTMENT MANAGER

ASSOCIATE (If necessary)

OTHER

SIGNATURE

DATES

Lee/WPH 0009

EXHIBIT 5

WESTPOINT HOME SEPARATION NOTICE

FACILITY 044-Abbeville		ASSOCIATE NO. 33519		DATE 4-15-06	
NAME Claude Lee		OCCUPATION Supervisor		SHIFT 3	RATE \$4.2
DEPARTMENT PACKAGING		DATE LAST HIRED (CSD) 2-7-77		DATE LAST WORKED 3-13-06	
FORWARDING ADDRESS 100 Murry St.		SEPARATION DATE 4-15-06			
Abbeville, Alabama 36310					

SEPARATIONS - Please check box opposite the reason for separation and explain below.

VOLUNTARY Gave notice of _____ days. <input type="checkbox"/> Leaving Active Employment <input type="checkbox"/> Leaving Locality (explain below) <input type="checkbox"/> Other Employment (explain below) <input type="checkbox"/> Transportation <input type="checkbox"/> Housing <input type="checkbox"/> Family Problems <input type="checkbox"/> Health <input type="checkbox"/> Pay <input type="checkbox"/> Hours <input type="checkbox"/> Supervision <input type="checkbox"/> Work Conditions <input type="checkbox"/> No Report (indicate follow-up) <input type="checkbox"/> Medical, Pregnancy or Other Leave Expired <input type="checkbox"/> Other (explain below) <input checked="" type="checkbox"/> *No dissatisfaction could be identified	Other Involuntary Job Elimination <input type="checkbox"/> Temporary Employment Completed <input type="checkbox"/> No Work Available - Leave Expired <input type="checkbox"/> No Work Available - Introductory <input type="checkbox"/> Inability to Perform Required Job Duties <input type="checkbox"/> Garnishments <input type="checkbox"/> Work Restriction Nonoccupational Origin <input type="checkbox"/> Other (explain below) <input type="checkbox"/> Intolerable Offenses: (Policy Manual, Section O-1, Part III-B) Intoxicants on Job <input type="checkbox"/> Deadly Weapons <input type="checkbox"/> Falsifying Records <input type="checkbox"/> Dishonesty/Theft <input type="checkbox"/> Fighting <input type="checkbox"/> Gross Insubordination <input type="checkbox"/> Criminal Act Within/Outside Facility <input type="checkbox"/> Damage to Property of Company/Others <input type="checkbox"/> Dangerous Horseplay <input type="checkbox"/> Endangering Life or Health of Self or Others <input type="checkbox"/> Unauthorized Work Elsewhere While on Leave <input type="checkbox"/> Employment with Direct Competition <input type="checkbox"/>	Promiscuous Behavior <input type="checkbox"/> Sexual Misconduct <input type="checkbox"/> Refusal To Cooperate in Investigation <input type="checkbox"/> Excessive Unexcused Absences <input type="checkbox"/> Sleeping on Job <input type="checkbox"/> Misconduct Away From Facility <input type="checkbox"/> Refusal To Submit to Drug Test <input type="checkbox"/> Failure To Get Release of Garnishment <input type="checkbox"/> Other (explain below) <input type="checkbox"/> OTHER (Include in Separation Rate, not Quit Rate) Returning to School <input type="checkbox"/> Military <input type="checkbox"/> Normal Retirement (Age 65) <input type="checkbox"/> Delayed Retirement (After Age 65) <input type="checkbox"/> Early Retirement (Before Age 65) <input type="checkbox"/> Permanent Disability <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Death <input type="checkbox"/> Transfer to Other Facility <input type="checkbox"/> Plant Close <input type="checkbox"/> Transfer to Exempt <input type="checkbox"/> Other (explain below) <input type="checkbox"/>
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EXPLANATION TO ASSOCIATE

Claude was taken out of supervision. He was offered a hourly job on 1st or could use vacation time. Claude chose to use up vacation & quit.

SUPERVISOR

DEPARTMENT MANAGER

SEPARATION CHECKLIST

TO BE COMPLETED BY THE HUMAN RESOURCES DEPARTMENT FOR ALL TERMINATIONS AND TRANSFERS

(For any item which does not apply, check the Not Applicable blank)

- Has the appropriate controller been contacted for information on any outstanding cash advances, accounts payable due the Company for any merchandise, etc.?
Yes ☐ N/A ☒
- Has Transportation Center been contacted for information on Company car and air travel and auto rental credit cards and have these been surrendered to the Human Resources Department and returned to Transportation Center?
Yes ☐ N/A ☒
- Have other items such as keys, entry cards, manuals and/or other Company properties been surrendered to the Human Resources Department?
Yes ☐ N/A ☒
- Does the employee's final paycheck need holding until all of the above items have been checked and cleared?
Yes ☐ N/A ☒
- Have "cards" such as Medical Coverage Identification, Prescription Drug, Vision and Associate Purchase Card been surrendered to the Human Resources Department?
Yes ☐ N/A ☒

IMPORTANT: See the back of this form for applicable statement(s) to be read to the separating employee if he or she is a participant in the Company's group plans for medical care coverage and life insurance and review continuation of medical/dental/vision coverage under COBRA. Also: use form WP-1063-CS (Rev. 12-00) for Exit Interview.

REVIEWED BY

ASSOCIATE

HUMAN RESOURCES MANAGER

ASSISTANT MANAGER

MANAGER

C-110105-SN

Lee/WPH - 0001

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
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CLAUDE GENE LEE, SR.,

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vs.

WESTPOINT HOME, INC.,

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CASE NO. 1:06-CV-874-MHT

DECLARATION OF FRANK MAJOR, III

Pursuant to 28 U.S.C. § 1746, I, Frank Major, III, certify that the following declaration is based upon my personal knowledge.

1. I am a black male and am currently the Safety/Training Director for WestPoint Home, Inc. and I assist in the human resources department in this role.

2. From December 15, 2005 to February 20, 2006, I was Claude Lee's direct supervisor. My title at that time was Acting Department Manager. Previously, I was the Assistant Department Manager under Mr. Bob Turner.

3. Although Mr. Lee's department had fairly high efficiency reports—that is, the standards for each line, which periodically change, were close to or were being met, he was failing to actually supervise the associates on his shift. While meeting and exceeding production standards was certainly important, more important, after the asset sale in August 2005, was that WestPoint have on every shift and in every department managers and supervisors who were willing and able to take charge, implement and enforce new work methods, and help move the company towards its goal of becoming a stronger industry competitor. In fact, when I

periodically questioned him about concerns or matters regarding the shift, why certain machines on the line were not functioning, scheduling changes, and other matters with which a supervisor should be well in tune, Mr. Lee was unable to answer my questions. Instead, his subordinate, the Lead Person, was essentially performing Mr. Lee's supervisory role, and the Lead Person, not Mr. Lee was able to answer my questions. Mr. Lee simply was not managing his shift or his associates, and he would have to ask his Lead Person about issues and concerns I had, all of which were matters he, as the supervisor, should have known and should have corrected. For example, he would not take charge of the scheduling requirements for the department, which was part of his job as the supervisor. Each day schedules are set for the lines for the order in which certain products are to be handled. Mr. Lee would allow the Set Coordinator, one of his subordinates, to change the schedule without his knowledge or approval. It was Mr. Lee's responsibility to handle scheduling for his shift. Mr. Lee was not involved with the associates working on his shift; the associates whom he should have been supervising.

4. I addressed Mr. Lee's ineffective leadership and poor performance on January 25, 2006. I completed and discussed with Mr. Lee his annual performance review in which I rated Mr. Lee as "fair." This is one of the lowest ratings on the performance review and was due to poor performance in supervision/management skills, communication skills and administration areas. These deficiencies were all attributable to his failure to properly carry out his supervisory role: to manage, support, and control the associates working on his shift. Attached as Exhibit 1 is a true and correct copy of the January 25, 2006 performance review for Mr. Lee.

5. Despite these notices of poor performance, Mr. Lee failed to improve. On February 16, 2006, I again gave Mr. Lee a notice of his poor job performance. At this time, I completed a personnel notice for Mr. Lee and discussed with him his continued failure to

monitor associates, to enforce correct work procedures, and to communicate with other shift supervisors concerning problems affecting the department. The personnel notice I completed informed Mr. Lee that his failure to improve could require his removal from the position. Attached as Exhibit 2 is a true and correct copy of the February 16, 2006 personnel notice I gave Mr. Lee.

6. Subsequently, on February 20, 2006 I changed positions and no longer directly supervised Mr. Lee. Mr. Michael Alford became Department Manager and Mr. Lee's direct supervisor.

7. In January 2006, I also completed performance reviews for Mike Ethridge, First Shift Supervisor in the Packaging Department, and Billy Wayne Bedsole, Second Shift Supervisor in the Packaging Department. I rated both Mr. Ethridge and Mr. Bedsole as "Meets Requirements." Of the three supervisors in the Packaging Department -- Mr. Lee, Mr. Ethridge and Mr. Bedsole -- Mr. Lee was the lowest performing. While all three needed to improve in various areas and I gave Mr. Bedsole and Mr. Etheridge personnel notices noting areas for improvement, Mr. Lee was the least effective leader and manager of the three and his conduct required repeated notices of poor performance. Mr. Lee lacked control over his associates and continuously failed to maintain the level of involvement and communication with his associates that I felt necessary to be an effective and successful supervisor. Mr. Lee, unlike Mr. Bedsole and Mr. Ethridge, made little or no effort to correct the performance deficiencies I addressed with him.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this ____7th day of June, 2007.

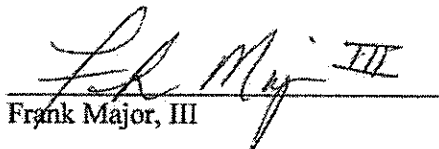

Frank Major, III

EXHIBIT 1

CONFIDENTIAL

WESTPOINT HOME

SALARIED-EXEMPT PERFORMANCE REVIEW

NAME Claude Lee
 DEPARTMENT/POSITION TITLE Wrap and Pack - Supervisor
 FACILITY 044 - Abbeville
 DIVISION and/or BUSINESS UNIT Bed Products / sheets
 DATE LAST REVIEWED _____
 JSD _____
 RATING PERIOD _____
 PERFORMANCE RATING F
 DATE COMPLETED 1-25-06

GENERAL INSTRUCTIONS

Timing:	A performance review is to be completed for each salaried-exempt associate annually between January 1 and January 31. It is the responsibility of each supervisor to prepare the performance review.
Procedure:	<p>The associate's performance of assigned tasks and accountabilities should be rated with respect to the performance factors below, utilizing the following scale:</p> <p>S - Superior: Consistently and substantially exceeds major job requirements. Accomplishments are extraordinary as demonstrated by job results.</p> <p>AR - Above Requirements: Exceeds most job requirements. Job results are measurably higher than job requirements.</p> <p>MR - Meets Requirements: Meets major job requirements. Performance is fully acceptable as demonstrated by job results.</p> <p>F - Fair: Performance is slightly below what is expected in the position. Performance needs improvement.</p> <p>M - Marginal: Fails to meet most job requirements. Performance requires immediate, substantial and sustained improvement.</p>
Acknowledgement:	This appraisal has been reviewed with the associate. It is understood that the signature does not necessarily indicate agreement with the content of the review.

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I. MANAGEMENT SKILLS EVALUATION

After carefully evaluating individual's work performance in relation to current job requirements, check the appropriate box to indicate the associate's performance. Explanations of terms appear at the bottom of this page. If not applicable, indicate N/A.

Management Skills (Evaluate the first two skills categories only if the associate has supervisory responsibility.)	RATING					Comments or Supportive Details This section must be completed for each rating.
	SUPERIOR	ABOVE REQUIREMENTS	MEETS REQUIREMENTS	FAIR	MARGINAL	
DEVELOPMENT OF SUBORDINATES Ability to prepare subordinates for current positions, as well as for positions of greater responsibility.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Associates are cross trained on several different jobs.
SUPERVISION/MANAGEMENT SKILLS Ability to direct and control subordinates; ability to motivate and effectively coordinate the efforts of work groups.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Claude has good management skills. Needs to work a little harder motivating associates
STRATEGIC PLANNING/ORGANIZING Ability to establish courses of action to accomplish specific goals. Allocation of resources, including setting priorities, meeting deadlines, anticipating problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Claude does a good job keeping up with priorities.
JOB KNOWLEDGE Technical knowledge and the level of competence required to be successful in the incumbent position.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has good knowledge of the job and job duties
QUALITY Conformance to requirements re accuracy, thoroughness, acceptability of work performed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Quality is good. Needs to pay closer attention to lines
COMMUNICATION SKILLS Ability to clearly and persuasively express concepts, both orally and in writing; also, ability to listen effectively, grasp ideas and instructions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does not communicate well with associates
INTERPERSONAL SKILLS Ability to work cooperatively with subordinates, peers, superiors, and external contacts; ability to influence others without direct authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Works well with associates.
ADMINISTRATIVE Ability to satisfy all administrative components of position (i.e. timeliness, completeness, accuracy, documentation).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does not complete paperwork in timely manner
LEARNING CAPABILITIES; OTHER RELEVANT SKILLS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Able to adapt to changes. Has worked many years in Packaging

PERFORMANCE EVALUATION RATING

Superior	Consistently and substantially exceeds major job requirements. Accomplishments are extraordinary as demonstrated by job results.
Above Requirements	Exceeds most job requirements. Job results are measurably higher than job requirements.
Meets Requirements	Meets major job requirements. Performance is fully acceptable as demonstrated by job results.
Fair	Performance is slightly below what is expected in the position. Performance needs improvement.
Marginal	Fails to meet most job requirements. Performance requires immediate, substantial and sustained improvement.

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II. ANNUAL ACCOMPLISHMENT SUMMARY DEVELOPMENT REVIEW

(This page to be completed by immediate manager)

A. PERFORMANCE SUMMARY AND TREND (Summarize your view of associate's accomplishments versus goals in the past year and indicate performance.)

Zero lost time accidents
~~Zero~~ 9 recordable cases for department
 Incident rate for department 4.02

B. STRENGTHS/GROWTH (Describe associates strengths and how they changed in the past year.)

Claude's strength is experience in the Packaging department
 and his ability to adapt to changes.

C. DEVELOPMENTAL RECOMMENDATIONS

1. List Developmental Objectives and/or Skills To Improve based on overall performance rating and evaluation of management skills.
2. For any deficiencies noted on Management Skill Evaluation, planned development activity must be detailed here.
3. Developmental Objectives or Skills To Improve should be directly transferred onto next year's Objective Setting page.

Developmental Objectives/Skills To Improve	Planned Developmental Activity
House Keeping	Continue to monitor
Associate Training	Continue to observe associates for areas of improvement

D. FUTURE CAREER DISCUSSION


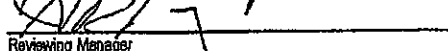
Discuss associate's career goals and objectives. List any positions in which the associate expresses an interest. Refer to Human Resources Manager if indicated.

Claude loves his job and is willing to take any opportunity for advancement.

E. OVERALL PERFORMANCE RATING

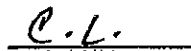
☐ Superior ☐ Above Requirements ☒ Meets Requirements ☒ Fair ☐ Marginal

F. ASSOCIATE'S COMMENTS**G. SIGNATURES**


 Immediate Manager

 Reviewing Manager

Date
 1-25-06
 Date

☐ Check if additional comments attached


 Associate's initials
 Indicates that he/she read
 this appraisal and it has been
 discussed with him/her.

Date

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ANNUAL ACCOMPLISHMENT SUMMARY DEVELOPMENT REVIEW

Strictly Private

(This page to be completed by associate)

A. ACCOMPLISHMENT SUMMARY (Summarize your accomplishments versus goals in the past year.)

Brought Percent Ages to 100%. Some work days more than 100%. Employees work together well. Work Along with Mechanics to make sure machines are kept Running.

B. STRENGTHS/GROWTH (Describe your strengths and how they changed in the past year.)

I make sure each employee is working to their full potential. If I am strong at this, my employees will be strong and know they must do their jobs well. I can help my employee to be the best they can be.

C. IMPROVEMENT/DEVELOPMENT NEEDS/PLANS (Identify most critical needs and responsive action plans.)

Make sure every employee receives the best training possible for old and new jobs

D. JOB/CAREER INTEREST (If interested in a job change, list preference including position title, business unit, location. Specify any geographic limitations, desired timing, etc. Also describe long-term interest.)

I like being supervisor and I love my job.

Claude Lee

Associate's Signature

Date

1-25-06

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WESTPOINT HOME

PLANNED PERSONAL OBJECTIVES AND ACCOMPLISHMENTS FOR SALARIED-EXEMPT ASSOCIATES

Lee Claude G.

Associate's Name (last, first, middle initial)

SUPERVISOR

Title

Date

Bed Products Sheets

Division and/or Business Unit

Planned Personal Objective Form 1-01-06 to 12-31-06

1. Efficiency Goal 95% end of 1st Qtr. 100% for 2nd, 3rd, 4th
2. Incident Rate of 2% or less for Dept.
3. Reduce lost per doz by 13¢ by the end of 4th Qtr.
Goals by 1¢ end of 1st Qtr, 1¢ end of 2nd, 5¢ end of 3rd, 5¢ end of 4th
4. Zero lost fine accidents in 2006

Claude Lee

Associate's Signature

Supervisor/Manager

1-25-06

Date

1-25-06

Date

(Note: All salaried-exempt associates supervising others must include in their goals their efforts in meeting EEO/AAP expectations.)

Please indicate target date for meeting each goal (1st, 2nd, 3rd and 4th quarter).

*Signatures above indicate agreement on goals and objectives at beginning of evaluation period.

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EXHIBIT 2

ATTACH # 6

PERSONNEL NOTICE

WESTPOINT STEVENS

☒ INITIATED BY COMPANY ☐ AT REQUEST OF ASSOCIATE

ASSOCIATE <i>Claude Lee</i>		ASSOCIATE NUMBER		1 - ASSOCIATE PROBLEM 2 - ASSOCIATE COMPLAINT 3 - NOTICE OF CHANGE 4 - REQUEST FOR CHANGE 5 - ASSOCIATE REQUEST 6 - COMMENDATION 7 - MISCELLANEOUS NOTICE
FACILITY 044	DEPARTMENT Packaging	SHIFT <i>2nd</i>	NOTICE DATE <i>2-16-06</i>	
SUPERVISOR				
EFFECTIVE DATE OF CHANGE ASAP				
SITUATION IN BRIEF Poor Job Performance				

DETAILS

This Personnel Notice is to inform you of the need to increase the monitoring of your associates. There is an excessive waste of time and motion. You associates continue to use improper job methods even after the correct method has been given or even shown to them. There also needs to be an immediate increase in your problem solving of incorrect work flow through out the department. There also needs to be an improvement in the communication with the previous Supervisor for potential problems that may have occurred during the shift or even issues that you find during your walk through, these need to be addressed immediately. You are being issued a Personnel Notice for Poor Job Performance.

ACTION TAKEN

Covered the above with Claude. Asked him if he needed any other guidance or assistance. Failure to meet these goals and guidelines immediately will result in Corrective Action which may include removal from your job.

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☐ MANAGER
☐ ASST. MANAGER
☐ DEPT. MANAGER
☐ SUPPLY ROOM

RECOMMENDED BY	
DEPARTMENT MANAGER <i>[Signature]</i>	<i>2-16-06</i>
ASSOCIATE (if necessary) <i>Claude Lee</i>	<i>2-16-06</i>
OTHER <i>[Signature]</i>	
SIGNATURE	DATES